

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CHARGE FUSION TECHNOLOGIES, LLC,

Plaintiff,

v.

TESLA, INC.,

Defendant.

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NO. 6:21-CV-1078-ADA

JOINT MOTION TO TRANSFER VENUE TO AUSTIN DIVISION

WHEREAS, the above-captioned action was filed by Plaintiff Charge Fusion Technologies, LLC (“Charge Fusion”) against Defendant Tesla, Inc. (“Tesla” and together with Charge Fusion, the “Parties”) in the United States District Court for the Western District of Texas, Waco Division, on October 15, 2021;

WHEREAS, in the above-captioned action, Charge Fusion alleges that certain of Tesla’s products infringe U.S. Patent Nos. 9,853,488, 10,819,135, and 10,998,753;

WHEREAS, Tesla alleges that its likely witnesses are located in Tesla’s Palo Alto, California facilities;

WHEREAS, on December 1, 2021, Tesla moved its headquarters from Palo Alto, California to Austin, Texas;

WHEREAS, Tesla’s witnesses can use and work from Tesla’s Austin headquarters while participating in case-related activities in the above-captioned action in the United States District Court for the Western District of Texas, Austin Division;

WHEREAS, it is more convenient for the Parties and witnesses to participate in the above-captioned action in the United States District Court for the Western District of Texas, Austin Division;

WHEREAS, the Parties agree that upon the transfer of the above-captioned action to the United States District Court for the Western District of Texas, Austin Division, that neither Party will seek a transfer of this action to any other district or division; and

WHEREAS, the Parties agree that the current Scheduling Order entered in the above-captioned action (D.I. 35) is vacated in light of the Parties' Joint Motion to Transfer Venue to the Austin Division.

NOW, THEREFORE, Charge Fusion and Tesla, through each Party's respective counsel, jointly move this Court to enter an Order transferring the above-captioned action to the United States District Court for the Western District of Texas, Austin Division, for the convenience of the Parties and witnesses and in the interest of justice, pursuant to 28 U.S.C. § 1404(b). Charge Fusion and Tesla request that an Order be entered directing the Clerk of Court to transfer the above-captioned case to the United States District Court for the Western District of Texas, Austin Division.

Dated: May 5, 2022

Respectfully submitted,

/s/ Frederick A. Tecce

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system.

/s/ *Deron Dacus*

Deron Dacus